

a silica/alumina ratio, when the actual ratio is of silicon to aluminum. A corrected Declaration remedying this error is attached. As such, it is submitted that the examples are directly comparative (59.7 for C4 in accordance with the invention versus 60.5 for the comparative catalyst).

As will be recalled, the claims have been rejected under 35 U.S.C. §102/§103 over Casci et al. '754. Casci fails to disclose removal of alumina (or "T") atoms from the framework, instead disclosing ratios attributable to as-synthesized zeolites. It is respectfully maintained that, contrary to the indication in the Office Action, there is a difference between a zeolite having the Si/T ratio resulting from direct synthesis versus one having a comparable ratio resulting from the removal of T atoms. This is clearly demonstrated in the corrected Declaration.

The attached corrected Declaration under 37 C.F.R. §1.132 compares a catalyst C4 of Example 4 herein, having a ratio of Si/Al of 59.7, obtained by dealumination of a starting material having a global atomic ratio of 17.5. This material is compared against the zeolite prepared in Casci's Example 5, having a Si/Al ratio of about 60, as synthesized. These catalysts are compared in a catalytic dewaxing process, and it is shown that a substantially improved pour point and oil yield (each about 4%) is achieved for the catalyst of the invention versus that of the prior art, having the same silicon to aluminum ratio, but differing by method of preparation. It can therefore be seen that the presently claimed catalysts, defined in terms of their process of preparation, are not the same as those of, e.g., Casci.

Moreover, it is submitted that there is simply no motivation for one of ordinary skill in the art to deviate from the preparation methods disclosed in Casci, by producing a zeolite due to dealumination processes instead of syntheses processes. As such, it is submitted that the portion of the rejection under §103 should also be withdrawn. It is further submitted that the unexpected results shown in the Declaration further evidence patentability in this aspect.

In addition, it is submitted that the combination of Casci '754 and Kuehl '243 also does not suggest the presently claimed materials. It is argued in the Office Action that Kuehl discloses applicable dealumination to any zeolite having a constraint index of 1-12. It is submitted, however, that this reasoning is an oversimplification. Kuehl discloses, for example at column 1, line 60 - column 2, line 57, that it may be advantageous, for various

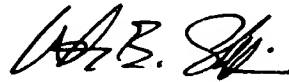
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zeolites, to increase the ratio of silica to alumina, i.e., by removing alumina from the framework. The advantage is attributed not to the removal, *per se*, but to the resultant high silica to alumina ratio. Therefore, this teaching, taken with Casci, would suggest to one of ordinary skill in the art that there is no difference between a zeolite produced by dealumination and one synthesized having a similar to alumina ratio. Indeed, this is the supposition advanced in the Office Action.

Instead, however, the attached Declaration clearly shows that there is an advantage to the use of dealumination processes, over the as-synthesized zeolites disclosed in the primary reference. Accordingly, it is submitted that this clearly rebuts any case of *prima facie* obviousness, and accordingly the rejection under 35 U.S.C. §103 should be withdrawn.

The claims of the application are submitted to be in condition for allowance. However, if the examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

Respectfully submitted,



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